1941

File No. Mines II/41

Legal DEPARTMENT

B BRANCH

Subject :—

Rules and Notifications

under the Indian Mines Act. 1923.

File No. Mines II/41

Std. Sctt. Slip 24 B c.

722-B

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Mr/181/4

Sve 23/8/88

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Office of the R.L.A.

A revised form of Prospecting License is appended t may be appended as Form CC to the Rules. A consequential nondment isnecessary in rule 30(2) and (4) at pages 9 and 10 of the ules as shown therein

2. The wording of rule 13 as suggested in peragraph f the Revenue Department note dated 23rd December 1940 is ot suitable as the word "previously" may be held to mean revious to the coming into force of the new rules. It may, therefore, be revised as follows:-

"Notwithstanding anything contained in rule 8, a person may continue to hold a prospecting license or a mining lease granted to him when he was in possesion of a certificate of approval, even though he has, after the grant of such license or lease, as the case may be, ceased to be in possession of such certificate"

Sd/- P.N.Moos.
6/3

Encumbrancer of Legal Affairs.

U.O. to R.D., No 2033 dated the 7th March 1941

Mr/1844

Office of the R.L.A.

The procedure suggested in para. 2 of the Revenue Department office note at pages 103-104 ante is legally in order. R.D. may however, consider whether the following should not be added at the end in rule 6 of the Bombay Mining Concession Rules, 1941, when these Rules are next amended:—

"For the purposes of these rules, limestone when required for bona fide domestic purposes or for the manufacture of lime on a small scale shall be deemed to be a minor mineral"

Sd/-
23/6

Remembrancer of Legal Affairs.

U.R. to R.D. No 5584 dated the 24th June 1941

Mr/18/4

Notification
REVENUE DEPARTMENT
Bombay Castle 1941

No. 4524/24- The Government of Bombay pleased to make the following amendments in the Bombay Mining Concessions Rule, 1941, published in Government Notification, Revenue Department No.4524/24, dated the 24th March 1941, as follows namely,

I In rule 4 of the said rules.

(a) after the words " a British subject",

(b) after the words "British Subjects" wherever they occur, the words " or subjects of Indian states" shall be inserted.

II To the said rules, the following shall be respectively, substituted namely,

"(15) (a) The licensee shall at all times during the said term remain or be a British subject or British subject or subject or subjects of an Indian State or a company or corporation registered, incorporated or established in British India or in an Indian State or some part of His Majesty's dominions and of which at all times during the said term the Chairman or President or other person occupying that or any similar position (if any) and the Managing Director (if any) and a majority of the other Directors (if any) shall be a British subject

or British subjects or subject or subjects of an Indian State and the Managing Agent or managing Agents or Secretary or Secretaries (if any) shall be a firm of which every Member is a British subject or subject of an Indian State or an individual who is a British subject or subject of an Indian State or a company in every respect answering the description and satisfying the conditions last hereinbefore contained and laid down as those to which the company itself must as the licensee licensees conform.

(b) The Local General Manager and not less than per cent. of the local staff employed by the Licensee Licensees shall at all times during the said term be a British subject or British subjects or subject or subjects of an Indian State and neither the licensee licensees nor the said mines and minerals shall at any time during the said term be or become directly or indirectly controlled or managed by any person or persons who are not a British subject or British subjects or subject or subjects of an Indian State or a company in every respect answering to the description and satisfying the conditions last hereinbefore mentioned.

(16) The licensee being a company

:r corporation shall report to the Government nay alteration in its Memorandum or Articles of Association, or in its constitution w thin* after the same shall have been made and shall give two months' previous notice in writing to the Government of any intention or proposal to make any such alteration which might c nceivably affect its status or character as hereinbefore in clause(15) of this part mentioned and no such alteration shall be made unless the Government shall have previsously consented thereto in writing PROVIDED ALWAYS that the consent of the Government shall not be refused to any such alteration as aforesaid in the Memorandum and Article of Association or the constitution of the licensee unless in its opinion such alterations shall be contrary to the cardinal principles laid down by the Government in respect of the said minerals, that is to say, that the licensee or licensees shall be and remain a British subject or British subjects or subject or subjects of an Indian State or a British company under British control or a company incorporated in an Indian State under the control of British subjects and/or subjects of an Indian State

Here insert suitable period within which report should be sent

(11) For clauses 18 and 19 in part VII of Form F appended to the said rules, the following shall respectively be substituted namely:-

'18 Constitution (a) The Lessee shall at all time during the said term remain or be a British subject or British subjects or subject or subjects of an Indian State or a company or corporation registered incorporated or or established in British India or in an Indian State or some part of His Majesty's dominions and of which at all times during the said term the Chairman or president or other person occupying that or any similar position (if any) and the Managing Director (if any) and a majority of the other Directors (if any) shall be a British subject or British subjec s or subject or subjects of an Indian State and the Managing Agent or Managing Agents or Secretary or Secretaries (if any) shall be a firm of which every member is a British subject or subject of an Indian State or an individual who is a British subject or subject of an Indian State or a company in every respect answering the description and satisfying the conditions last hereinbefore contained and laid down as those to which the company itself must as the lessee conform.

(b) The Local General Manager and not less than per cent. of the local Staff employed by the lessee shall at lessees all times during the said term be a British subject or British subjects or subject or subjects of an Indian State and neither the lessee nor the said lessees mines and minerals shall at any time during the said term be or become directly or indirectly controlled or managed by any person or persons who are not a British subject or British subjects or subject or subjects of an Indian State or a company in every respect answering to the description and satisfying the conditions last hereinbefore mentioned

19. The lessee being a company or corporation shall report to the Government any alteration in its Memorandum or Articles of Association or in its constitution within* After the same shall have been made and shall give two months previous notice in writing to the Government of any intention or proposal to make any such alteration which might conceivably affect its status or character as hereinabefore in clause 18 of this part mentioned and no such alteration shall be made unless the Government shall have previously consented thereto in

*Here insert suitable period within which report should be sent.

writing PROVIDED ALWAYS that/it/ the consent of the Government shall not be refused to any such alteration as aforesaid in the Memorandum and Articles of Association of the constitution of the lessee unless in its opinion such alteration shall be contrary to the cardinal principle laid down by the Government in respect of the said minerals, that the is to say, that the lessee or lessees shall be nd remain a British subject or British subjects or subject or subjects of an Indian State or a British company under British control or company incorporated in an Indian State under the control of British subjects and/or subjects of an Indian State

By order of the Governor of Bom

Sd/-

Secretary to Government

r/18/4

Office of the R.L.A.

The draft notification as slightly amended is in order.

Sd/-
8/7

Remembrancer of Legal Affairs

U.R. No. R.D. No. 6001, dated 11th July 1941

Mr/18/4

Mining Concessions

Subjects of Indian States,
Eligibility of, for ---.

Government of Bombay
Revenue Department.
Circular Memorandum No 5826/39
Bombay Castle, 5th August 1941

Circular memorandum

Under rule 4 of the Bombay Mining Concessions Rules, 1941, published in Government Notification, No. 4524/24, dated 24th March 1941, a certificate of approval or a prospecting licensee or a mining lease can only be granted to a person who is a British subject, or, if the "person" be a company or a firm, only if such company or firm is shown to the satisfaction of Government to be controlled by British subjects It has, however, been made clear in Government Order, No 6849, dated 5th June 1917, that subjects of Indian States are also eligible for mining concessions or for controlling a company or a firm enjoying a mining concession. The Bombay Mining Concessions Rules, 1941, have now been amended so as incorporate these orders, and the requisite amendments have been published in Government Notification, No 5826/39, dated 23rd July 1941, copies of which are forwarded herewith for the information of the officers and departments concerned.

By order of the Governor of Bombay,
V.S. Bhide,
Secretary to Government.

Accompaniments.- Copies of Government Notification, No. 5826/39, dated 23rd July 1941.

Mr/18/4

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To,

All Commissioners of Divisions,
All Collectors of Districts,
The Collector of Bombay,
The Chief Conservators of Forests,
All Conservators of Forests,
All Superintending Engineers,
All Executive Engineers,
The Commissioner of Labour,
The Director of Industries,
The Accountant General
The Political and Services Department,
The Legal Department,
The ~~Legal~~ Department, & General Department
The Public Works Department,
The Finance Department.

With copy of Government Order, No 6849, dated 5th June 1947

No. of 1941

Copy forwarded for information and guidance to

Submitted

2. Necessary correction have been carried out in the branch file No 216

3. File in Mines II,41

Id/ 20/8

Mr/18/4
23/8/46
23-5.